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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,248	05/31/2000	Annegret Janssen	96-082-1-US-01	3770

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EXAMINER

LORENZO, JERRY A

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 05/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

CN

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/584,248	JANSSEN, ANNEGRET	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jerry A. Lorengo	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6, 42, 43, 48, 63, 66, 74 and 88-100 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6, 42, 43, 48, 63, 66, 74 and 88-100 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

(1)

***Claim Rejections - 35 USC § 102***

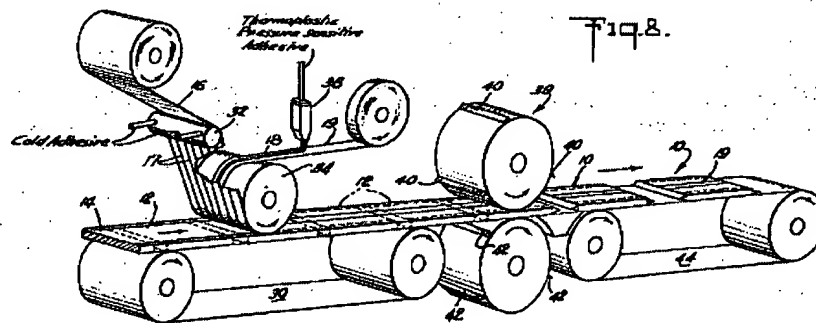
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,595,237 to Sargent et al.

Sargent et al. disclose a coating method wherein a hot melt adhesive, made thermally flowable (column 3, lines 40-45), is provided in the form of a substantially continuous nonporous film 18 (Figures 3 and 18) without contact between the film 18 and the substrate 19 (see Figure 8 showing the nozzle 38 spaced from the substrate 19), and said film 18 is then disposed upon a release-coated substrate comprising a web 19 (column 4, lines 48-57) and is then transfer-coated onto a second substrate 16 (column 4, lines 57-59).



(2)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 42 and 43, are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/25902 to Werenicz in view of U.S. Patent No. 3,402,086 to Smith et al.

Regarding applicant claim 42, Werenicz et al. disclose a coating method comprising the steps of:

(1) Releasing a hot melt adhesive made thermally flowable from a coating device 3 in the form of a substantially continuous film without contact between the coating device 3 and a substrate 1;

(2) Contacting the surface of the substrate 1, comprising a moving web, with the continuous film to form a coated substrate; and

(3) Wherein the coated substrate 1 is substantially free of entrapped air between the coating and the substrate 1 by the action of nip roll pair 5;

Regarding applicant claim 42, Werenicz et al. disclose that the coated substrate 1 has a continuous coating having an area weight of less than about 30 g/m<sup>2</sup> (page 8, lines 2-3).

Although Werenicz et al. also disclose, as per applicant claim 43, that the coated substrate 1 has a continuous coating having an area weight of less than about 10 g/m<sup>2</sup> (page 8, lines 4-5), they do not specifically disclose that the substrate 1 comprises a substantially nonporous moving web.

It would have been obvious to one of ordinary skill in the art at the time of invention, however, to substitute a substantially nonporous moving web for the porous moving web 1 of Werenicz motivated by the fact that Smith et al., also drawn to coating methods wherein a hot melt adhesive made thermally flowable is released from a coating device 5 in the form of a

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substantially continuous film 7 without contact between the coating device 5 and a substrate 1, disclose that the substrate 1 may comprise both porous (fabrics and paper) and substantially nonporous (cellophane, glass, plastics, and metal) moving webs (column 2, lines 32-40).

(3)

Claim 48 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/25902 to Werenicz in view of U.S. Patent No. 3,402,086 to Smith et al.

Regarding applicant claim 48, Werenicz et al. disclose a coating method comprising the steps of:

(1) Releasing a hot melt adhesive made thermally flowable from a coating device 3 onto a substrate 1 as a substantially continuous film without contact between the coating device 3 and a substrate 1;

(2) Contacting the surface of the substrate 1 with the continuous film to form a coated substrate; and

(3) Nipping the coating on the substrate 1 by the action of nip roll pair 5; and

(4) Contacting the coating of the substrate 1 with a second substrate 2 by the action of nip roll pair 5.

Werenicz et al. also disclose that the coated substrate 1 has a continuous coating having an area weight of less than about  $10 \text{ g/m}^2$  (page 8, lines 4-5). They do not specifically disclose, however, that the substrate 1 comprises a substantially nonporous substrate.

It would have been obvious to one of ordinary skill in the art at the time of invention, however, to substitute a substantially nonporous substrate for the porous substrate 1 of Werenicz motivated by the fact that Smith et al., also drawn to coating methods wherein a hot melt adhesive made thermally flowable is released from a coating device 5 in the form of a substantially continuous film 7 without contact between the coating device 5 and a substrate 1, disclose that the substrate 1 may comprise both porous (fabrics and paper) and substantially nonporous (cellophane, glass, plastics, and metal) substrates (column 2, lines 32-40).

(4)

Claim 63 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/25902 to Werenicz in view of U.S. Patent No. 3,402,086 to Smith et al. and U.S. Patent No. 3,595,237 to Sargent et al.

Regarding applicant claim 63, Werenicz et al. disclose a coating method wherein a hot melt adhesive, made thermally flowable, is provided in the form of a substantially continuous nonporous film without contact between the film and a substrate 1; contacting the surface of the substrate 1 with the continuous film to form a coated substrate; nipping the coating on the substrate 1 by the action of nip roll pair 5; and contacting the coating of the substrate 1 with a second substrate 2 by the action of nip roll pair 5.

Werenicz et al. also disclose that the coating has a complex viscosity of less than about 500 poise at about 1000 radians/second at the coating temperature (page 4, lines 11-18). They do not specifically disclose, however, that the substrate 1 comprises a nonporous substrate.

It would have been obvious to one of ordinary skill in the art at the time of invention, however, to substitute a nonporous substrate for the porous substrate 1 of Werenicz et al. motivated by the fact that Smith et al., also drawn to coating methods wherein a hot melt adhesive made thermally flowable is released from a coating device 5 in the form of a substantially continuous film 7 without contact between the coating device 5 and a substrate 1, disclose that the substrate 1 may comprise both porous (fabrics and paper) and substantially nonporous (cellophane, glass, plastics, and metal) substrates (column 2, lines 32-40).

Although Werenicz et al. disclose that the first substrate 1 is contacted with a second substrate 2 after coating with the continuous film; they do not specifically disclose that the continuous film is transferred from the first substrate 1 to the second substrate 2.

Nonetheless, it would have been obvious to one of ordinary skill in the art at the time of invention to substitute the first substrate 1 of Werenicz et al. with a nonporous substrate, as suggested by Smith et al., having release properties, such as a release coated backing web, to thereby enable the coating to be transferred from the first substrate 1 to the second substrate 2, motivated by the fact that Sargent et al., also drawn to coating methods wherein a hot melt adhesive made thermally flowable is released from a coating device 38 in the form of a substantially continuous film 18 without contact between the coating device 38 and a substrate

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19, disclose that it is known to use such a coating method for coating a release coated carrier web 19 which, after being subsequently contacted with a second web 16, enables the coating 18 to be transferred from the first web 19 to the second substrate 16 (Figures 3 and 8; column 3, lines 40-45; column 4, lines 48-59).

(5)

Claim 66 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/25902 to Werenicz in view of U.S. Patent No. 3,402,086 to Smith et al.

Regarding applicant claim 66, Werenicz et al. disclose a coating method wherein a hot melt adhesive, made thermally flowable, is provided in the form of a substantially continuous nonporous film without contact between the film and a substrate 1; contacting the surface of the substrate 1 with the continuous film to form a coated substrate; nipping the coating on the substrate 1 by the action of nip roll pair 5; and contacting the coating of the substrate 1 with a second substrate 2 by the action of nip roll pair 5.

Werenicz et al. also disclose that the coating has a complex viscosity of less than about 500 poise at about 1000 radians/second at the coating temperature (page 4, lines 11-18). They do not specifically disclose, however, that the substrate 1 comprises a nonporous substrate.

It would have been obvious to one of ordinary skill in the art at the time of invention, however, to substitute a nonporous substrate for the porous substrate 1 of Werenicz et al. motivated by the fact that Smith et al., also drawn to coating methods wherein a hot melt adhesive made thermally flowable is released from a coating device 5 in the form of a substantially continuous film 7 without contact between the coating device 5 and a substrate 1, disclose that the substrate 1 may comprise both porous (fabrics and paper) and substantially nonporous (cellophane, glass, plastics, and metal) substrates (column 2, lines 32-40).

(6)

Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 96/25902 to Werenicz in view of U.S. Patent No. 3,402,086 to Smith et al.

Regarding applicant claim 74, Werenicz et al. disclose a coating method comprising the steps of:

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(1) Releasing a hot melt adhesive made thermally flowable from a coating device 3 onto a substrate 1 as a substantially continuous film without contact between the coating device 3 and a substrate 1;

(2) Contacting the surface of the substrate 1 with the continuous film to form a coated substrate; and simultaneously nipping the coating on the substrate 1 and contacting the coating of the substrate 1 with a second substrate 2 by the action of nip roll pair 5.

Werenicz et al. also disclose that the hot-melt adhesive composition comprises a thermoplastic polymer and tackifying resin (page 10, lines 3-6). They do not specifically disclose, however, that the substrate 1 comprises a substantially nonporous substrate.

It would have been obvious to one of ordinary skill in the art at the time of invention, however, to substitute a substantially nonporous substrate for the porous substrate 1 of Werenicz motivated by the fact that Smith et al., also drawn to coating methods wherein a hot melt adhesive made thermally flowable is released from a coating device 5 in the form of a substantially continuous film 7 without contact between the coating device 5 and a substrate 1, disclose that the substrate 1 may comprise both porous (fabrics and paper) and substantially nonporous (cellophane, glass, plastics, and metal) substrates (column 2, lines 32-40).

(7)

Claims 88-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,747,107 to Bayer, Jr. et al. (hereinafter, "Bayer") in view of WO 96/25902 to Werenicz et al.

Regarding applicant claim 88, Bayer disclose a coating method comprising:

(1) Releasing a hot melt adhesive composition that has been made thermally flowable from a coating device 14 in the form of a continuous film 15 without contact between the coating device 14 and a substrate (roller 26);

(2) Contacting a first roller 26 with the continuous film 15; and

(3) Transferring the continuous film from the first roller 26 to a substrate 30.

Although Bayer disclose that the continuous film comprises a hot melt adhesive composition, they do not specifically disclose, as per applicant claim 88, that it comprises a thermoplastic polymer and tackifying resin.



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It would have nonetheless been obvious to one of ordinary skill in the art at the time of invention to utilize the method of Bayer to coat a hot melt adhesive composed of a thermoplastic and tackifying resin motivated by the fact that Werenicz et al., also drawn to coating methods wherein a hot melt adhesive made thermally flowable is released from a coating device in the form of a substantially continuous film without contact between the coating device and a substrate, disclose that many known hot melt adhesive compositions, such as those that typically comprise a thermoplastic polymer and tackifying resin, are well suited for use in such a coating method (page 10, lines 3-6).

Regarding applicant claim 89, Bayer disclose that the continuous film 15 and the substrate 32 are nipped between the first roller 26 and a second roller 36 (Figure 1).

Regarding applicant claim 90, Bayer disclose that the first substrate 30 may comprise, for example, paper (column 6, lines 7-8).

(8)

Claims 91-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as combined in section (7), above, in further view of "Extrusion Coating & Laminating" by Mainstone.

Although Bayer, as set forth in section (7), above, disclose that the coating method may be used to directly or indirectly (via intermediate means) coat the substrate 30 (column 6, lines 38-46), they do not specifically disclose, as per applicant claim 91, that the exposed surface of the continuous film 15 is contacted with a second substrate. It would have been obvious to one of ordinary skill in the art at the time of invention to do so motivated by the fact that Werenicz et al., also drawn to coating methods wherein a hot melt adhesive made thermally flowable is released from a coating device in the form of a substantially continuous film without contact between the coating device and a substrate, disclose that it is known to contact the exposed surface of the continuous film, coated on the first substrate 1, with a second substrate 2 to form a laminate (Figure 1).

Furthermore, the first and second web material combinations set forth in claims 92-100 would have been obvious to one of ordinary skill in the art at the time of invention given that both Werenicz et al. and Mainstone, also drawn to coating methods wherein a hot melt adhesive made thermally flowable is released from a coating device in the form of a substantially

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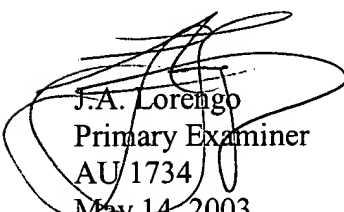
continuous film without contact between the coating device and a substrate, disclose, as per applicant claims 92-100, that the first and second substrate materials may comprise both porous webs (woven and non-woven textile webs, tissue, elastomeric strands or webs, etc.) and nonporous substrate webs (cellophane, biaxially oriented polyester and polypropylene films, nylon film, metal foils, polyethylene coated paperboard, etc.) (page 7, lines 18-29 of Werenicz et al. and page 195, columns 1, 2 and 3 of Mainstone), metallized films or sheets instead of webs. Mainstone also discloses that the substrates can be printed prior to extrusion coating and may also comprise transparent films such as cellophane (page 196, column 3, page 195, column 2).

(9)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry A. Lorengo whose telephone number is (703) 306-9172. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7115 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



J.A. Lorengo  
Primary Examiner  
AU 1734  
May 14, 2003